

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE**

Frank Staples, et al., *

*

Plaintiffs, *

v. * Civil No. 1:24-cv-00331-LM-TSM

*

Christopher Sununu, Governor, et al., *

*

Defendants. *

*

MOTION TO EXTEND TIME TO RESPOND TO FIRST AMENDED COMPLAINT

Defendants, New Hampshire Governor Kelly Ayotte, New Hampshire former Governor Christopher Sununu, the New Hampshire Attorney General, and Charles O’Leary, by and through counsel, the New Hampshire Office of the Attorney General, hereby move and state as follows:

1. On or around April 17, 2025, the Plaintiffs filed an Amended Complaint with Jury Demand with this Court. *See* ECF Doc. No. 48.
2. Plaintiffs’ Amended Complaint is approximately fifty (50) pages long, consisting of over One Hundred Forty-Nine (149) paragraphs of factual allegations, legal arguments, and claims, many of which were not noticed in the initial Complaint.¹
3. Plaintiffs’ Amended Complaint names several new Defendants, including the State of New Hampshire, the New Hampshire State Police, and several individuals who are current or former state troopers. *See* ECF Doc. No. 48.
4. Defendants are not aware of service having been completed for these additional defendants. However, on information and belief, once service is complete, it is likely

¹ For reference, Plaintiffs’ initial complaint was approximately ten (10) pages in length.

that several of the newly-added defendants will be represented by the Attorney General's Office.

5. On information and belief, the undersigned Defendants' deadline to file a responsive pleading to the Amended Complaint is currently set for Thursday June 12, 2025.²
6. Defendants submit that the Parties, and principles of judicial economy, would benefit from the establishment of a "single, consolidated response deadline" for responding to Plaintiffs' Amended Complaint, as "staggered and overlapping filings creates unnecessary confusion and delay[.]" *See* ECF Doc. No. 39 at Page 3 (Plaintiffs took issue with previous Motions to Dismiss being filed separately and argued that they were prejudiced by such motion practice).
7. Considering the present status of service and the need for undersigned counsel to coordinate with potential new clients in this matter, the Defendants seek an extension of their response deadline to June 30, 2025.
8. Assuming service is promptly completed as to the additional State Defendants, the extension will allow counsel to confer with the additional State Defendants to coordinate a consolidated response to Plaintiff's Amended Complaint.
9. The Plaintiffs were contacted regarding the relief requested herein, but as of this filing no assent has been provided.

² In an Order dated May 14, 2025, the Court granted the Defendants' motions to extend the response deadline to the Plaintiffs' Amended Complaint to June 16, 2025. However, in a May 20, 2025 Order issued on May 22, 2025, the Court stated as follows: "Defendants who are already in the case — State Defendants and Defendant O'Leary — must file an answer or other response to the First Amended Complaint within twenty-one days of the date of this Order." *See* ECF Doc. No. 53 at Page 4.

WHEREFORE, Defendants respectfully request that this Honorable Court:

- A. Grant this Motion;
- B. Extend the Defendants' responsive pleading deadline to June 30, 2025; and
- C. Grant such other and further relief as this Court deems just and proper.

Respectfully submitted,

Kelly Ayotte, Governor
Christopher Sununu, former Governor
John Formella, Attorney General

By their attorney,

JOHN M. FORMELLA
NEW HAMPSHIRE ATTORNEY GENERAL

Dated: June 10, 2025

/s/ Shawna Bentley
Shawna Bentley, Bar #270149
Attorney
Civil Bureau
NH Department of Justice
1 Granite Place South
Concord, NH 03301
shawna.bentley@doj.nh.gov
(603) 271-6836

and

Charles O'Leary

By his attorney,

JOHN M. FORMELLA
NEW HAMPSHIRE ATTORNEY GENERAL

Dated: June 10, 2025

/s/ Meaghan A. Jepsen
Meaghan A. Jepsen, Bar # 266707
Attorney
Public Safety and Infrastructure Bureau
NH Department of Justice
1 Granite Place South
Concord, NH 03301
meaghan.a.jepsen@doj.nh.gov
(603) 271-3675

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was sent via First Class Mail on June 10, 2025 to Plaintiffs' addresses as listed in the Complaint.

/s/ Shawna Bentley
Shawna Bentley